

MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners


DATE: (Second Reading 5-5-15)
May 5, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to Small
Business Enterprise Program;
amending Section 2-8.1.1.1.1
of the Code to require payment
to prime vendors and
subcontractors of undisputed
amounts within 14 calendar
days of receipt

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 4-16-15 Economic Prosperity Committee. This substitute differs from the original in that SBE contract bid preferences shall also be paid within 14 days for amounts not in dispute.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: May 5, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Requiring Payment To Prime Vendors and Subcontractors of Undisputed
Amounts Within Fourteen Calendar Days of Receipt

The proposed ordinance amends section 2-8.1.1.1.1 of the Code to require payment to prime vendors and subcontractors of undisputed amounts within 14 calendar days of receipt of billings.

At this time it is difficult to assess the ultimate fiscal impact. This ordinance may have a fiscal impact to some County departments, while other departments already meet the requirement. Depending on volumes, additional staff may be required to ensure compliance countywide. Immediate establishment of this guideline may result in the need for additional technological enhancements and/or staff. Ongoing efforts to implement efficiencies in the payment process will ultimately reduce processing time.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

fts04315




MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
5-5-15

ORDINANCE NO. _____

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING SECTION 2-8.1.1.1.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REQUIRE PAYMENT TO PRIME VENDORS AND SUBCONTRACTORS OF UNDISPUTED AMOUNTS WITHIN 14 CALENDAR DAYS OF RECEIPT; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

WHEREAS, the Small Business Enterprise Goods & Services Program provides opportunities for small business participation on Miami-Dade County contracts for procurement of goods and services; and

WHEREAS, the Board wishes to align the requirements of its three small business programs; and

WHEREAS, the Board wishes to amend the prompt payment provisions, to require such payment of undisputed amounts within 14 calendar days of receipt of such billings,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-8.1.1.1.1 of the Code of Miami-Dade County, is hereby amended as follows:¹

Sec. 2-8.1.1.1.1. Small Business Enterprise Goods & Services Program.

* * *

(3) *Program.*

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *

(i) *Prompt Payment.* >>The prompt payment provisions of this section shall take precedence over Section 2-8.1.4 of the Code ("Sherman S. Winn Prompt Payment Ordinance"), as to the contracts specified below:<<

1. All firms, including SBEs and Micro Enterprises providing goods and services to the County, shall receive payments promptly in order to maintain sufficient cash flow. >>Billings from prime vendors under goods and services contracts with Miami-Dade County or the Public Health Trust, that are a SBE/Micro Enterprise contract set-aside<< >>, bid preference<<² >>or contain a subcontractor goal, shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within 14 calendar days of receipt of such billing by the County, or the Trust.<<
2. The County or Public Health Trust shall establish administrative procedures requiring that billings from SBE/Micro Enterprise prime vendors on contracts shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within ~~[[thirty—(30)]]~~ >>14<< calendar days of receipt of such billing by the County or Trust.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.


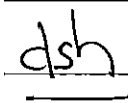
² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

David Stephen Hope

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Audrey M. Edmonson